

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

OAKLAND UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015040329

ORDER GRANTING REQUEST TO  
RESET PROCEDURAL TIMELINES

On April 1, 2015, Oakland Unified School District filed a Request for Due Process Hearing (complaint) naming Parent on behalf of Student.<sup>1</sup> On April 15, 2015, Oakland filed a Request to Reset Procedural Timelines because it had not served Parent with a copy of its complaint at the time of filing.

APPLICABLE LAW

The Individuals with Disabilities Education Act of 2004 (20 U.S.C. § 1400, et. seq.) provides that a party may not have a due process hearing until the notice of a due process hearing request meets the specifications listed in Section 1415(b)(7)(A). (20 U.S.C. § 1415(b)(7)(B).) Further, Section 1415(c)(2)(A) requires the party requesting the due process hearing serve a copy of the complaint on the opposing party.

Title 34 Code of Federal Regulations part 300.515(a)(1) (2006), and Education Code sections 56502, subdivision (f), and 56505, subdivision (f), require that the hearing be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. Speedy resolution of the due process hearing is mandated by law and continuance of due process hearings may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f).)

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<sup>1</sup> Oakland's complaint was received on March 31, 2015, a state holiday. It is deemed filed as of April 1, 2015, the next business day.

## DISCUSSION

Oakland did not serve Parent with a copy of its complaint at the time of filing because it had an incorrect address for Parent. Oakland provided the Office of Administrative Hearings with Parent's correct address, and OAH served Parent with a copy of the complaint and all subsequent documents on April 15, 2015, by overnight delivery. Therefore, all current dates are vacated and the procedural timelines will be reset as of April 16, 2015. OAH will issue a new Scheduling Order with the new dates for mediation, prehearing conference and due process hearing.

## ORDER

1. Oakland's request to reset procedural timelines is granted.
2. All current dates are vacated.
3. All dates will be reset based upon the April 16, 2015 date of receipt, and the parties will be provided a new Scheduling Order.

DATE: April 16, 2015

/s/

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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings